

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: RUSSELL, et al.

SERIAL NO.: 10/679,158

Group Art Unit: 3733

FILED: October 3, 2003

Examiner: DAVIS, Daniel J.

FOR: SURGICAL POSITIONERS

Attorney Docket No.: 50642/287729

Date: *October 5, 2006*

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the enclosed Form PTO/SB/08a are cited for consideration by the Examiner. Copies of the cited non-U.S. publications are enclosed.

Submission of the references provided in this Supplemental Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

U.S. Serial No. 10/679,158


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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

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This Supplemental Information Disclosure Statement is being filed pursuant to 37 C.F.R. 1.97(b), before the mailing date of an office action on the merits. Applicants believe that no fee is due for consideration of this paper. However, if a fee is due, the Commissioner is authorized to charge any fee due to Deposit Account No. 11-0855.

Respectfully submitted,



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# TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	10/679,158
Filing Date	October 3, 2003
First Named Inventor	Thomas Russell
Art Unit	3733
Examiner Name	Davis, Daniel J.
Attorney Docket Number	50642/287729

## ENCLOSURES (check all that apply)

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Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Kilpatrick Stockton, LLP		
Signature			
Printed Name	Michael A. Bertelson		
Date	October 5, 2006	Reg. No.	54,713

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

## Complete If Known

Application Number 10/679,158  
Filing Date October 31, 2003  
First Named Inventor RUSSELL  
Art Unit 3733  
Examiner Name  
Attorney Docket Number 50642/287729

## U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
/B.R./		US-5,947,971	09-1999	Kuslich, et al.	
/B.R./		US-5,990,535	11-1999	Barnett, et al.	
/B.R./		US-6,383,188	05-2002	Kuslich, et al.	
/B.R./		US-6,993,374 B2	01-2006	Sasso	

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	† <sup>3</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
/B.R./		WO 2004/084740	10-07-2004	Brevig		
/B.R./		WO 2006/044367 A1	04-27-2006	Smith & Nephew		
/B.R./		WO 2006/060631 A1	06-08-2006	Smith & Nephew		

Examiner Signature	/B.R./	/Baisakhi Roy/	Date Considered	08/02/2009
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

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